

Remarks

I. Introduction

This is in response to the final Office Action dated January 23, 2008, and is being submitted simultaneously with a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

The Office Action objected to the drawings under 37 C.F.R. §1.83(a) because they do not show every feature of the invention specified in the claims.

The Office Action rejected Claims 19-22 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action further rejected Claims 19-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 – 18 were previously cancelled. Claim 19 has been amended in response to the 35 U.S.C. §112 rejections. Claim 21 has been amended to maintain consistency with amended Claim 19. The objection to the drawings is rendered moot by the amendments.

Claims 19 – 22 are currently pending.

II. Drawings

The Office Action objected to the drawings under 37 C.F.R. §1.83(a) because they do not show every feature of the invention specified in the claims. The Office Action states that the “local number” must be shown or the feature(s) cancelled from the claim(s). The amended claims no longer contain the limitation of “local number”. Withdrawal of the objection to the drawings is requested.

III. Claims

Independent Claim 19

The Office Action rejected Claim 19 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action states that link state packet information shown in Fig. 3 does not show information identifying the local numbers. The amended Claim 19 no longer contains the limitation of “local numbers”. Withdrawal of the §112 rejection is requested.

The Office Action rejected Claim 19 under 35 U.S.C. §112, first paragraph, as based on a disclosure that is not enabling, because an OSPF router is critical or essential to the practice of the invention, but is not included in the claim. Applicants assert that this is an improper rejection. MPEP 2164.08(c) states:

2164.08(c) Critical Feature Not Claimed

A feature which is taught as critical in a specification and is not recited in the claims should result in a rejection of such claim under the enablement provision section of 35 U.S.C. 112. See *In re Mayhew*, 527 F.2d 1229, 1233, 188 USPQ 356, 358 (CCPA 1976). In determining whether an unclaimed feature is critical, the entire disclosure must be considered. Features which are merely preferred are not to be considered critical. *In re Goffe*, 542 F.2d 564, 567, 191 USPQ 429, 431 (CCPA 1976).

Limiting an applicant to the preferred materials in the absence of limiting prior art would not serve the constitutional purpose of promoting the progress in the useful arts. **Therefore, an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality.** (Emphasis added)

Applicants assert that no portion of the disclosure states that an OSPF router is critical or essential to the practice of the invention. On the contrary, an OSPF router is used in **an embodiment** of the invention. For example, the **Abstract** (lines 1 – 3) states:

The present invention discloses an efficient architecture for routing in a very large autonomous system where many of the layer 3 routers are attached to a common connection-oriented layer 2 subnetwork, such as an ATM network.

The **Summary of Invention** (pg. 4, par. 2, lines 76 – 78, and pg. 5, par. 1, lines 97 – 100) further states:

Accordingly, it is an object of the present invention to provide an architecture that combines layer 2 switching with layer 3 forwarding and which scales to large autonomous systems.

...

The present invention achieves these objectives by providing a robust and efficient architecture for routing in a very large autonomous system where many of the layer 3 routers are attached to a common connection-oriented layer 2 subnetwork, such as an ATM network. **In a preferred embodiment of the invention**, a permanent topology of routers coupled to the subnetwork is connected by permanent virtual circuits. The mesh of virtual circuits can be as sparse as a spanning tree, but will normally consist of a denser set of connections for reliability. The routers use extensions to OSPF (Open Shortest Path First) mechanisms to calculate optimal paths in the permanent topology.

According to MPEP 2164.08(c) cited above, “...an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended.” Since the specification does not disclose that an OSPF router is critical for the invention to function as intended, Applicants submit that the rejection is improper.

The Office Action further states that Claim 19 does not disclose any OSPF router to encode information into a link state packet. As discussed above, an OSPF router is used in **an embodiment** of the invention, and is not critical for the invention to function as intended.

Withdrawal of the rejection to Claim 19 under §112, first paragraph, is requested.

The Office Action further rejected Claim 19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because it is unclear what is meant by “local number” in line 4. Applicants assert that the “local number” limitation is clear. However, solely to expedite prosecution, Claim 19 has been amended to replace “assigning a local number to each of the interfaces” with “assigning a number to each of the local interfaces, wherein each of said assigned numbers is local to said first router.” This limitation is clear based at least on pg. 13, par. 1, lines 274 – 282:

At step 202, the router then numbers its local interfaces and then groups the interfaces into connectivity classes using the local connectivity information. One way of numbering would be to order the NBMA interfaces in some fashion and begin numbering the connectivity classes starting with the first interface, assigning subsequent numbers as unconnected interfaces are discovered. The exact method of assigning these numbers is immaterial and has no permanent significance. The number is local to the router, since other routers can qualify it by appending the OSPF Router ID.

Applicants submit that Claim 19, as amended, is allowable under 35 U.S.C. §112, first paragraph.

Applicants therefore respectfully request that all §112 rejections to Claim 19, as amended, be withdrawn.

Dependent Claims

Dependent Claims 20 – 22 are allowable as being dependent on allowable independent Claim 19, which is allowable as amended.

IV. Previous Rejections under 35 U.S.C. §103(a)

The present Office Action contains no §103 rejections. In response to the “Response to Arguments” section of the Office Action, Applicants re-assert the arguments made in the response to the previous Office Action (Amendment dated October 1, 2007 in response to the Office Action dated July 24, 2007.) with respect to the prior art of record.

V. No New Matter

Amendments to the claims are fully supported by the specification.

As discussed above, amending Claim 19 to change “assigning a local number to each of the interfaces” to “assigning a number to each of the local interfaces wherein each of said assigned numbers is local to said first router” is fully supported by the specification on pg. 13, par. 1, lines 274 – 282:

At step 202, the router then numbers its local interfaces and then groups the interfaces into connectivity classes using the local connectivity information. One way of numbering would be to order the NBMA interfaces in some fashion and begin numbering the connectivity classes starting with the first interface, assigning subsequent numbers as unconnected interfaces are discovered. The exact method of assigning these numbers is immaterial and has no permanent significance.

The number is local to the router, since other routers can qualify it by appending the OSPF Router ID.

Applicants submit that Claim 19, as amended, is allowable under 35 U.S.C. §112. Applicants therefore respectfully request that the 35 U.S.C. §112 rejections to Claim 19, as amended, be withdrawn.

No new matter has been added.

VI. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims are respectfully submitted.

Respectfully submitted,



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